

AN ACT

relating to the community living options information process and to a pilot program to educate residents and families of residents of nursing homes and intermediate care facilities for the mentally retarded about advance care planning.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02443 to read as follows:

Sec. 531.02443. IMPLEMENTATION OF COMMUNITY LIVING OPTIONS INFORMATION PROCESS AT STATE INSTITUTIONS FOR CERTAIN ADULT RESIDENTS. (a) In this section:

(1) "Adult resident" means a person with mental retardation who:

(A) is at least 22 years of age; and

(B) resides in a state school.

(2) "Department" means the Department of Aging and Disability Services.

(3) "Legally authorized representative" has the meaning assigned by Section 241.151, Health and Safety Code.

(4) "Local mental retardation authority" has the meaning assigned by Section 531.002, Health and Safety Code.

(5) "State school" has the meaning assigned by Section 531.002, Health and Safety Code.

(b) This section applies only to the community living

1 options information process for an adult resident.

2 (c) The department shall contract with local mental  
3 retardation authorities to implement the community living options  
4 information process required by Section 531.02442 for an adult  
5 resident.

6 (d) The contract with the local mental retardation  
7 authority must:

8 (1) delegate to the local mental retardation authority  
9 the department's duties under Section 531.02442 with regard to the  
10 implementation of the community living options information process  
11 at a state school;

12 (2) include performance measures designed to assist  
13 the department in evaluating the effectiveness of a local mental  
14 retardation authority in implementing the community living options  
15 information process; and

16 (3) ensure that the local mental retardation authority  
17 provides service coordination and relocation services to an adult  
18 resident who chooses, is eligible for, and is recommended by the  
19 interdisciplinary team for a community living option to facilitate  
20 a timely, appropriate, and successful transition from the state  
21 school to the community living option.

22 (e) The department, with the advice and assistance of the  
23 interagency task force on ensuring appropriate care settings for  
24 persons with disabilities and representatives of family members or  
25 legally authorized representatives of adult residents, persons  
26 with mental retardation, state schools, and local mental  
27 retardation authorities, shall:

1           (1) develop an effective community living options  
2 information process;

3           (2) create uniform procedures for the implementation  
4 of the community living options information process; and

5           (3) minimize any potential conflict of interest  
6 regarding the community living options information process between  
7 a state school and an adult resident, an adult resident's legally  
8 authorized representative, or a local mental retardation  
9 authority.

10          (f) A state school shall:

11           (1) allow a local mental retardation authority to  
12 participate in the interdisciplinary planning process involving  
13 the consideration of community living options for an adult  
14 resident;

15           (2) to the extent not otherwise prohibited by state or  
16 federal confidentiality laws, provide a local mental retardation  
17 authority with access to an adult resident and an adult resident's  
18 records to assist the authority in implementing the community  
19 living options information process; and

20           (3) provide the adult resident or the adult resident's  
21 legally authorized representative with accurate information  
22 regarding the risks of moving the adult resident to a community  
23 living option.

24          SECTION 2. ADVANCE CARE PLANNING PILOT PROGRAM. (a) The  
25 Department of Aging and Disability Services shall develop and  
26 implement a pilot program to increase the use of advance directives  
27 by residents of nursing homes and intermediate care facilities for

1 the mentally retarded in this state by educating the residents and  
2 the families of residents about advance care planning.

3 (b) The pilot program shall provide for a process to educate  
4 residents and the families of residents regarding:

5 (1) the legal issues associated with advance  
6 directives;

7 (2) the health care choices available to a person with  
8 a terminal or irreversible condition;

9 (3) the proper completion of advance directives; and

10 (4) the importance of discussing advance directives  
11 with family, friends, advisers, and health care providers.

12 SECTION 3. RULES. The executive commissioner of the Health  
13 and Human Services Commission shall adopt rules to implement the  
14 pilot program established under this Act.

15 SECTION 4. REPORT. Not later than October 1, 2010, the  
16 Department of Aging and Disability Services shall submit a report  
17 to the governor, the lieutenant governor, the speaker of the house  
18 of representatives, and the appropriate standing committees of the  
19 legislature, regarding the pilot program that includes:

20 (1) an evaluation of the effectiveness of the pilot  
21 program; and

22 (2) a recommendation to continue, expand, or eliminate  
23 the pilot program.

24 SECTION 5. EXPIRATION. Sections 2, 3, and 4 of this Act and  
25 this section expire September 1, 2011.

26 SECTION 6. EFFECTIVE DATE. This Act takes effect  
27 immediately if it receives a vote of two-thirds of all the members

1 elected to each house, as provided by Section 39, Article III, Texas  
2 Constitution. If this Act does not receive the vote necessary for  
3 immediate effect, this Act takes effect September 1, 2007.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 27 passed the Senate on March 14, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 25, 2007, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 27 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor